

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AARON ROBINSON, :

Plaintiff, :

-v.- :

HONORABLE JUDGE EDGAR G. WALKER, :
et al., :

Defendants. :

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**REPORT AND
RECOMMENDATION
TO THE HONORABLE
GEORGE B. DANIELS**

12 Civ. 5382 (GBD)(FM)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/14/13</u>

FRANK MAAS, United States Magistrate Judge.


In this action, the pro se plaintiff complains of being assaulted during a traffic stop. The original complaint was filed on July 31, 2012. On February 5, 2013, because the Marshal Service advised my Chambers that it had not received the completed service forms USM-285 from the plaintiff, I issued an order directing the Pro Se Office to issue the plaintiff a new service package, including the USM-285 forms, and I ordered the plaintiff to return the completed forms to the Marshal Service by March 11, 2013 (Docket No. 11). I further cautioned the plaintiff that if the forms were not returned by that date, I would recommend that this action be dismissed, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, absent a showing of good cause.

Since then, despite the passage of an additional three months, the plaintiff has not returned the completed USM-285 forms to the Marshal's Service. Since the plaintiff has not communicated with the Court, and has not followed the procedures to move this action forward, I recommend that his case be dismissed without prejudice.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable George B. Daniels, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Daniels. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Fed. R. Civ. P. 6(a), 6(e), 72(b).

DATED: May 14, 2013
New York, New York



FRANK MAAS
United States Magistrate Judge

Copies to:

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